

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 3:24-cv-00402-MMD-CSD

DAVID MORTON,

Plaintiff

v.

KENNETH WILLIAMS, et al.,

Defendants

Order

Re: ECF Nos. 5, 6

Plaintiff, who is a prisoner in custody of the Nevada Department of Corrections, has filed an application to proceed in forma pauperis (IFP) and civil rights complaint pursuant to 42 U.S.C. § 1983.

District Judge Du screened Plaintiff's complaint and allowed him to proceed with: (1) an Eighth Amendment deliberate indifference to serious medical needs claim against Brian Williams, Wickham, S. Austin, Dr. Marks, Mrs. Pritchard, Dr. Benson, Dr. Vosse, Gallardo, Kenneth Williams, and James Dzurenda, as well as Hendley, Clarke, J. Hartman and Megan Sullivan (the latter four defendants in their official capacities only for injunctive relief only); and (2) a First Amendment retaliation claim against Pritchard. (ECF No. 7.) The Eighth Amendment claim is based on Defendants failure to act to ensure Plaintiff's foot condition was diagnosed and treated, alleged disregard of his specialist's treatment plan, failure to act to prevent further harm despite being informed during the grievance process that his condition persisted, and recklessly discontinuing medication for his chronic pain. (ECF No. 7.)

Plaintiff has filed a motion for temporary restraining order (TRO) and preliminary injunction (PI). (ECF Nos. 5, 6.)

1 Within **14 days** of the date of this Order, the Attorney General's Office shall advise the
2 court whether it will enter a limited notice of appearance on behalf of Defendants for the purpose
3 of responding to Plaintiff's motion for TRO/PI. If the Attorney General's Office is willing to
4 enter a limited notice of appearance, then also within **14 days** of the date of this Order, the
5 Attorney General's Office shall file a response to Plaintiff's motion for TRO/PI. The Attorney
6 General's Office shall file under seal any **relevant** medical records. Plaintiff may kite the
7 warden's office to review any records filed under seal, and the Attorney General's Office shall
8 ensure that Plaintiff is given a reasonable amount of time to review these records. Plaintiff will
9 have **seven days** from the date he receives the response to file a reply brief. The court will then
10 determine whether to hold a hearing.

11 The Clerk of Court shall electronically serve a copy of this Order, a copy of Plaintiff's
12 complaint (ECF No. 8), a copy of the order screening the complaint (ECF No. 7), as well as a
13 copy of Plaintiff's motion for TRO/PI (ECF Nos. 5, 6) on the Nevada Attorney General's Office
14 by adding the Nevada Attorney General's Office to the docket sheet. This will not constitute a
15 general appearance.

16 Plaintiff is advised that there is still a stay entered in this case while the parties participate
17 in the court's early mediation program. As such, Plaintiff shall not file any other documents with
18 the court while the stay is in place except for his reply brief as directed in this Order.

19 **IT IS SO ORDERED.**

20 Dated: November 25, 2024

21 
22 Craig S. Denney
23 United States Magistrate Judge